

REMARKS

Applicant has carefully reviewed and considered the Final Office Action mailed on September 20, 2006.

In order to further prosecution, Applicant has amended claims 1, 6, 10, 15, 19, 27, 28 and 29. Applicant has canceled 2, 4, 5, 13, 16 and 21. Applicant is making these amendments and cancelling these claims without prejudice to the filing of a continuation application. Claims 1, 3, 6-12, 14, 15, 17-20 and 22-37 are now pending in this application.

Claim Rejections – 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 1, 2, 4-6, 10-16, 19-21, 24-29 and 32-37 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner asserted that the phrases “a phase relationship with the first signal” and “at substantially the phase relationship with the first signal” are unclear. The Examiner stated that the exact phase relationship is unclear. Applicant has amended the independent claims 1, 10, 15 and 19 to clarify that a first signal and a second signal have “a given phase relationship” and that a second flip flop is clocked (e.g., using the second signal), or receives a clock input, at “substantially the given phase relationship with the first signal.” The particular phase relationship between the first signal and the second signal may depend on the particular embodiment. Applicant respectfully submits that the recitation of “a given phase relationship” is definite. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection.

Claim Rejections – 35 U.S.C. §§ 102 and 103

Also in the Office Action, the Examiner rejected claims 1-2, 4, 10-11, 24-28, 32-35 and 37 under 35 U.S.C. § 102(b) as being anticipated by “Phase and Frequency Detectors for Clock Synchronization in High-speed Optical Transmission Systems,” Sari et al., European Transactions on Telecommunications and Related Technologies, vol. 5, no. 5, September – October 1994, pp. 101-107 (hereafter “Sari”). Further in the Office Action, the Examiner rejected claims 12, 15 and 19-20 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 6,388,485 to Kim in view of Sari.

Applicant has canceled claims 2, 4, 5, 13, 16 and 21. Therefore, the rejection of these claims under 35 U.S.C. § 102 is moot and should be withdrawn.

Applicant has amended claim 1 to include the limitations of allowable claim 5 and canceled claim 5. Accordingly, claim 1 and its dependent claims 6 and 24-29 are allowable.

Applicant has amended claim 10 to include the limitations of allowable claim 13 and canceled claim 13. Thus, claim 10 and its dependent claims 11, 12, 14 and 32-37 are allowable.

Applicant has amended claim 15 to include the limitations of allowable claim 16 and canceled claim 16. Therefore, claim 15 is allowable.

Applicant has amended claim 19 to include the limitations of allowable claim 21 and canceled claim 21. Accordingly, claim 19 and its dependent claim 20 are allowable.

Allowable Subject Matter

The Examiner indicated the allowance of claims 3, 7-9, 17-18, 22-23 and 30-31. The Examiner objected to claims 5-6, 13-14, 16, 21, 29 and 36 as being dependent upon a rejected base claim, but indicated these claims to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for these indications of allowance and allowability. Applicant has amended the claims as discussed above and respectfully submits that all pending claims are allowable. Applicant invites the Examiner to telephone Applicant's attorney (360-554-8042) to facilitate prosecution of this application.


If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3521, referencing Attorney Docket No. 0033-098001.

Respectfully submitted,

Brake Hughes PLC

Date: November 20, 2006

By:


Paul W. Churilla
Reg. No. 47,495

CERTIFICATE UNDER 37 C.F.R. § 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 20th day of November, 2006.

Shellie Bailey



Signature